

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Brandon Dale Lowery,

Plaintiff

v.

El Cortez Casino,

Defendant

Case No.: 2:23-cv-01416-JAD-BNW

Order Denying Recusal Requests

[ECF Nos. 34, 36]

Brandon Dale Lowery sues the El Cortez Casino for \$20,000,000 for sending “out a mass text message to El Cortez employees claiming that [he] was a Sexual Predator.”¹ Lowery has filed seven motions for the recusal of the judges assigned to this case, all theorizing falsely that they have some connection to family members of the owner of the El Cortez.² In his latest two motions, Lowery argues that:

Judge Dorsey is biased against him and that she cannot be fair and impartial in this case. This belief is based on the following:

Judge Dorsey has denied two recusal motions already. This suggests that she is not willing to consider the possibility that she is biased against Brandon Dale Lowery.

Judge Dorsey has ruled against Brandon Dale Lowery, on several motions in this case. These rulings suggest that Judge Dorsey is not impartial.

Judge Dorsey is very closely associated with the Nelson family, who are immediate family members of Kenny Epstein, the owner of El Cortez Hotel & Casino. This close association suggests that Judge Dorsey may be biased in favor of El Cortez Hotel & Casino.³

¹ ECF No. 6 at 4.

² ECF Nos. 8, 19, 23, 30, 32, 34, 36.

³ ECF No. 34 at 1–2.

1 I again deny the request for recusal because there is no legitimate basis under the law for
2 such relief. The bulk of Lowery’s frustration comes from his dissatisfaction with this court’s
3 rulings. But as the United States Supreme Court explained in *Liteky v. United States*, “judicial
4 rulings” are no basis for recusal.⁴ Even “judicial remarks during the course of a trial that are
5 critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do
6 not support a bias or partiality challenge.”⁵ The Ninth Circuit has similarly held that
7 “[u]nfavorable rulings alone are legally insufficient to require recusal, even when the number of
8 such unfavorable rulings is extraordinarily high on a statistical basis.”⁶ So the fact that the
9 undersigned judge has denied Lowery’s motions does not suggest that she is biased or can’t be
10 impartial, and it does not supply a legal basis for recusal.

11 Nor has Lowery identified a true personal connection between this judge and the
12 defendant or its owners that would justify recusal. He attaches to his motion a “spyfly” printout
13 that has on it “people connections” and “possible associates” whose last names include Dorsey,
14 Epstein, and Nelson⁷ as support for this assertion that “Judge Dorsey is very closely associated
15 with the Nelson family, who are immediate family members of Kenny Epstein, the owner of El
16 Cortez Hotel & Casino.”⁸ But the Dorsey on that list isn’t me or anyone related to me, so this
17 document doesn’t show the “close association” that Lowery claims. Any claimed “close
18 association” is thus pure speculation.

21 ⁴ *Liteky v. United States*, 510 U.S. 540, 555 (1994).

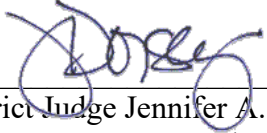
22 ⁵ *Id.*

23 ⁶ *Matter of Beverly Hills Bancorp*, 752 F.2d 1334, 1341 (9th Cir. 1984) (citations omitted).

⁷ ECF No. 34-1

⁸ ECF No. 34 at 2.

1 IT IS THEREFORE ORDERED that Brandon Dale Lowery's Amended Motion to
2 Recuse Judge Dorsey [ECF No. 34] is **DENIED**, and the Motion to Compel Ruling on Motion
3 to Recuse [ECF No. 36] is **DENIED** as moot.

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6 U.S. District Judge Jennifer A. Dorsey
7 March 20, 2024
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